IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 37104 of 2004(S)

OA.805/2003 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. UNION OF INDIA, REPRESENTED BY
THE GENERAL MANAGER, SOUTHERN RAILWAY,
HEAD QUARTERS OFFICE, PARK TOWN P.O.,
CHENNAI-3.

2. THE SENIOR DIVISIONAL OPERATIONS
MANAGER, SOUTHERN RAILWAY, PALGHAT DIVISION,
PALGHAT.

3. THE SENIOR DIVISIONAL PERSONNEL
OFFICER, SOUTHERN RAILWAY, PALGHAT DIVISION,
PALGHAT.

4. THE SENIOR DIVISIONAL ACCOUNTS
OFFICER, SOUTHERN RAILWAY, PALGHAT DIVISION,
PALGHAT.

5. THE FINANCIAL ADVISER AND CHIEF
ACCOUNTS OFFICER, SOUTHERN RAILWAY,
HEADQUARTERS OFFICE, PARK TOWN P.O.,
CHENNAI-3.

BY ADV. SRI.M.C.CHERIAN,SR.SC.,RAILWAYS

RESPONDENTS:
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1. M.MANICKAM, S/O.MUTHUSAMY,
EX-SWEEPER CUM PORTER, SOUTHERN RAILWAY,
ERODE C/O.DEVI KALIAPPAN, PAZHAYA KALLIVALASU,
JEEVANANDHAN VEEDHI, NEAR KARUMALAYAN THEATRE,
ERODE.

2. THE REGISTRAR,
CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM.

BY ADV. SRI.T.C.GOVINDA SWAMY --- R1
SMT.D.HEERA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 37104/2004 S

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PENSION PAYMENT ADVICE NO. P 500/0605218732 DT. 20/11/2003 OF DIVISIONAL FINANCE MANAGER, SOUTHERN RAILWAY, PALGHAT.

EXT.P2. COPY OF THE O.A. NO. 805/2003 DT. 28/09/03 ALONG WITH ANNEXURE, FILED BY R1 IN CAT.

EXT.P3. COPY OF THE REPLY STATEMENT FILED ON BEHALF OF RESPONDENTS IN OA NO. 805/2003, IN CAT.

EXT.P4. COPY OF THE ORDER DT. 8/4/04 OF CAT IN OA NO. 805/2003.

EXT.P5. COPY OF THE ORDER DT. 21/06/04 OF CAT, RA NO. 12/2004 IN OA NO. 805/2003.

EXT.P6. COPY OF THE LETTER DT. 26/5/2004 OF STATION MASTER, MURTHIPALAYAM TO SR. DIVISIONAL PERSONNEL OFFICER, PALGHAT.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 37104 OF 2004-S

Dated 23rd October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners are the respondents in O.A.No.805/2003 before the Central Administrative Tribunal, Ernakulam Bench. The applicant in that O.A is the 1st respondent herein. He was a Sweeper-cum-Porter under the petitioners. For unauthorised absence, he was removed from service with effect from 27.1.1999. Since he was not granted compassionate allowance and gratuity, he represented. His claim was allowed by Annexure-A1 dated 1.7.2002, produced along with the O.A. When the benefits flowing from the said order were not released, the O.A was filed. The Tribunal, by Ext.P4 order, directed to disburse the amount with 9% interest from the date of entitlement till the date of payment. The Railways felt aggrieved by the direction to pay interest. So, a review petition was attempted before the Tribunal, which was dismissed by Ext.P5 order. Therefore, this writ petition was filed, challenging Ext.P4 to the extent it is objected to and

Ext.P5 order. The learned counsel for the petitioners submitted that there was no delay in sanctioning the terminal benefits and therefore, the direction to pay interest was unjustified.

2. We heard the learned counsel for the 1st respondent also. He submitted that there is considerable delay in releasing the benefits due to the 1st respondent. We notice that the 1st respondent is a Sweeper-cum-Porter. This Court, by a speaking order, declined to grant stay of Ext.P4 order sought by the petitioners herein. So, the benefits must have been released to him. At any rate, the amount involved is only a very small amount and it is being paid to a low paid employee. As the impugned orders are passed in the discretion of the Tribunal, we feel that we are not justified in interfering with the same under Article 226 of the Constitution of India. This is so, because we do not think that the exercise of the discretion made by the Tribunal is not arbitrary or perverse.

In the result, the writ petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/